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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-316

13  
14 **SHARON M. PUGH**  
15 **10956 Elysian Circle**  
16 **Daphne, AL 36526-8497**  
**Registered Nurse License No. 725840**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

17  
18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about October 24, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs, filed Accusation No. 2013-316 against Sharon M. Pugh ("Respondent") before  
23 the Board of Registered Nursing. Accusation No. 2013-316 is attached as Exhibit 1 to the Default  
24 Decision Investigatory Evidence Packet and is hereby incorporated by reference

25 2. On or about May 1, 2008, the Board of Registered Nursing ("Board") issued  
26 Registered Nurse License No. 725840 to Respondent. The Registered Nurse License expired on  
27 July 31, 2009, and has not been renewed. Pursuant to Business and Professions Code ("Code")  
28

1 section 2764, the expiration of Respondent's license does not deprive the Board of jurisdiction to  
2 proceed with this disciplinary proceeding or to render a decision imposing discipline on the  
3 license.

4 3. On or about October 24, 2012, Respondent was served by Certified and First Class  
5 Mail copies of the Accusation No. 2013-316, Statement to Respondent, Notice of Defense,  
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
7 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
8 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.  
9 Respondent's address of record with the Board was and is:

10 **10956 Elysian Circle**  
11 **Daphne, AL 36526-8497.**

12 4. Service of the Accusation was effective as a matter of law under the provisions of  
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
14 124.

15 5. On or about November 15, 2012, the aforementioned documents served via Certified  
16 Mail were returned by the U.S. Postal Service marked as, "Returned to Sender. Undeliverable as  
17 addressed. Forwarding order expired." The aforementioned documents served via First Class Mail  
18 were not returned by the U.S. Postal Service marked as undeliverable.

19 6. Government Code section 11506 states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
21 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
22 of the accusation not expressly admitted. Failure to file a notice of defense shall  
23 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
24 may nevertheless grant a hearing.

25 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
26 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-  
27 316.

28 8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the  
hearing, the agency may take action based upon the respondent's express admissions  
or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-316, finds that the charges and allegations in Accusation No. 2013-316, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$782.50 as of November 14, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Sharon M. Pugh has subjected her Registered Nurse License No. 725840 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. **Disciplinary Action by the State of Florida Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State of Florida Board of Nursing ("Florida Board"). On or about April 25, 2011, pursuant to the Final Order, Findings of Fact, and Conclusions of Law, in the disciplinary action entitled *Department of Health v. Sharon Pugh*, case no. 2010-04140, the Florida Board disciplined Respondent's license by issuing a reprimand. The basis for the reprimand is that on July 31, 2009, the Florida Board issued a Final Order in case number 2006-17917, placing Respondent on probation for two years and requiring Respondent to complete continuing education courses, submit written reports, and work under direct supervision of a supervisor. However, Respondent failed to submit the verification for continuing education coursework, failed to submit written reports to the Nursing Compliance

1 Officer, and failed to assure that reports from her nursing supervisors were forwarded to the  
2 Nursing Compliance Officer.

3           **b. Unprofessional Conduct.** Respondent is subject to disciplinary action under  
4 Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.  
5 The conduct is more particularly described in paragraph 3, subparagraph (a), inclusive, above,  
6 and herein incorporated by reference.

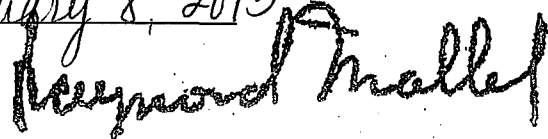
ORDER

IT IS SO ORDERED that Registered Nurse License No. 725840, heretofore issued to Respondent Sharon M. Pugh, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2013.

It is so ORDERED February 8, 2013



FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

51193346.DOC  
DOJ Matter ID:LA2012507797

# Exhibit A

Accusation Case No. 2013-316

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2442  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013-314

11 **SHARON M. PUGH**  
12 **10956 Elysian Circle**  
13 **Daphne, AL 36526-8497**

**A C C U S A T I O N**

14 **Registered Nurse License No. 725840**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about May 1, 2008, the Board of Registered Nursing issued Registered Nurse  
22 License Number 725840 to Sharon M. Pugh ("Respondent"). The Registered Nurse License  
23 expired on July 31, 2009, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.  
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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

## COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.



**FIRST CAUSE FOR DISCIPLINE**

**(Disciplinary Action by the State of Florida Board of Nursing)**

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State of Florida Board of Nursing ("Florida Board").

10. On or about April 25, 2011, pursuant to the Final Order, Findings of Fact, and Conclusions of Law, in the disciplinary action entitled *Department of Health v. Sharon Pugh*, case no. 2010-04140, the Florida Board disciplined Respondent's license by issuing a reprimand. The basis for the reprimand is as follows:

- a. On or about July 31, 2009, the Florida Board issued a Final Order in case number 2006-17917, placing Respondent on probation for two years and requiring Respondent to complete continuing education courses, submit written reports, and work under direct supervision of a supervisor. However, Respondent failed to submit the verification for continuing education coursework, failed to submit written reports to the Nursing Compliance Officer, and failed to assure that reports from her nursing supervisors were forwarded to the Nursing Compliance Officer.

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 10, subparagraph (a), inclusive, above, and herein incorporated by reference.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 725840, issued to Sharon M. Pugh;

2. Ordering Sharon M. Pugh to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 24, 2012



for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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